

Appl. No. 09/596,362
Request for Reconsideration After Final

REMARKS/ARGUMENTS

Claims Rejection - 35 USC §§ 102 and 103:

In the Final Office Action mailed April 13, 2005, the Examiner reaffirmed her rejection of applicant's independent claim 1 as anticipated by Cherksey (US 5,234,947) and Umbdenstock (US 5,332,579) and independent claim 13 as anticipated by and obvious in view of Umbdenstock.

During the telephone interview held July 5, 2005, applicant explained that his invention is distinguishable over the cited prior art because applicant's invention has been shown to be effective in the treatment of alcohol craving, which is distinct from the treatment of alcohol withdrawal symptoms.

Cherksey teaches without substantiation the use of potassium channel activators to treat withdrawal symptoms. Umbdenstock makes a vague reference to kava kava as an ingredient in one of a variety of nutritional supplements claimed useful to "assist persons recovering from addiction". Neither Cherksey nor Umbdenstock teach the use of kava or kava pyrones to reduce craving in active addicts and alcoholics. The prior art does not teach the use of kava pyrones to address the craving or the addiction itself, only, if anything, the physical symptoms consequent to withdrawal and recovery.

Applicant is the first person known to have tested the use of kava pyrones on substance abusers while they were actively abusing the substance. Applicant's study, described in the specification, demonstrated that kava pyrones are effective in reducing and sometimes stopping the consumption of alcohol among active alcoholics. Applicant's data demonstrates a decrease in craving and addiction among alcoholics prior to the onset of withdrawal or recovery.

Independent claim 13 contains the element of a "non-alcoholic beverage formulated to simulate the taste and aroma of an alcoholic beverage" that is neither found, taught nor suggested in the cited prior art.

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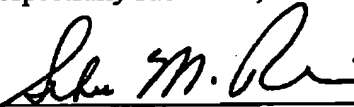
Whereas Applicant believes that independent claims 1 and 13 are distinguishable over the cited art and therefore allowable in their present form, Applicant would consider further amending claim 1 such that it reads "A method for reducing the craving for alcohol in individuals who are actively abusing alcohol by administering"

Attached to this reply and request for reconsideration is a short statement by applicant further explaining the aspects of his invention that distinguish over Cherksey and Umbdenstock.

The Examiner is invited to contact the undersigned attorney, at (808) 521-7080 business hours Hawaii standard time, or via email at [<sethreiss@lawhi.com>](mailto:sethreiss@lawhi.com), in order that the undersigned attorney may endeavor to resolve any outstanding issues as expeditiously as possible thereby to avoid prolonged prosecution of the present application.

This paper is being faxed within three months of the April 13, 2005 mailing date of the Final Office Action to which it responds.

Respectfully submitted,



Seth M. Reiss, Reg. No. 30,211
Godbey Griffiths Reiss Chong
1001 Bishop Street
2300 Pauahi Tower
Honolulu, Hawaii 96813
Phone: (808) 523-8894
Fax: (808) 523-8899
email: sethreiss@lawhi.com